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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

ESTATE OF GILBERT M. KOTZEN; GILBERT M.
KOTZEN 1982 TRUST; LINDA S. PARESKY, in her
capacity as personal representative of the Estate of
Gilbert M. Kotzen and as Trustee for the Gilbert M.
Kotzen 1982 Trust; and Stepheny B. Riemer, in her
capacity as personal representative of the Estate of
Gilbert M. Kotzen and as Trustee for the Gilbert M.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04637 (SMB)

Kotzen 1982 Trust,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants the Estate of Gilbert M. Kotzen; the Gilbert M. Kotzen 1982 Trust; Linda S. Paresky, in her capacity as personal representative of the Estate of Gilbert M. Kotzen and as Trustee of the Gilbert M. Kotzen 1982 Trust; and Stepheny B. Riemer, in her capacity as personal representative of the Estate of Gilbert M. Kotzen and as Trustee of the Gilbert M. Kotzen 1982 Trust (“Defendants”) by and through their counsel, William P. Weintraub of Goodwin Procter LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against Defendants.
2. On January 17, 2014, Defendants served an answer on the Trustee.
3. On December 7, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default in the installment payments to seek entry of judgment pursuant to the Stipulation for Entry of

Judgment, as set forth in the Settlement Agreement.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

New York, New York
December 18, 2015

By: /s/ Nicholas J. Cremona
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*Attorneys for Estate of Gilbert M. Kotzen,
Gilbert M. Kotzen 1982 Trust, Linda S.
Paresky, and Stepheny B. Riemer*

SO ORDERED

Dated: December 18th, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE